



Docket No 04-AAER-01

Docket Office
California Energy Commission
1516 Ninth Street, Mail Station 4
Sacramento, California 95814-5512

The attached comments regarding the:

NOTICE OF PROPOSED ACTION
Amendments to Appliance Efficiency Regulations
California Code of Regulations, Title 20, Sections 1601-1608

Are submitted on behalf of Robertson Worldwide

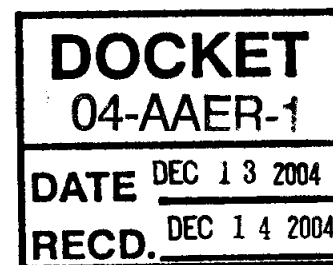
By

Robert W Wisbey PE LC
Vice President Technology
Robertson Worldwide
13611 Thornton Road
Blue Island, IL 60406

800-323-5633 x181

rwisbey@robertsonww.com

December 13, 2004





Robertson Worldwide is a US based lamp ballast manufacturer located in Blue Island, IL. Robertson has been in the ballast business 54 years. Robertson is a relatively small full line ballast manufacturer, emphasizing specialty applications.

Robertson is a member of the Ballast Section and the Lighting Systems Division of the National Electrical Manufacturers Association (NEMA). Robertson has participated in the preparation of comments on this docket being provided by NEMA. Robertson fully supports these NEMA comments.

We would like to add our own additional company comments regarding the proposed "Standards for Under-Cabinet Luminaires". This is an application which is a market emphasis for Robertson.

These comments are being submitted based upon the 15 day language, posted on the Commission website on November 30, 2004.

We previously submitted comments, based on the 45 day language, dated October 29, 2004. Nothing has changed in the 15 day language that significantly affects any of those comments. We hereby incorporate those comments in whole, by reference.

We continue to object strenuously to the proposed standards, as detailed in Section 1605.3 (n) (4), both Alternative 1 and Alternative 2. Our objections are on three cascading levels.

First of all we believe the Commission is prohibited from enacting these proposed regulations by Federal preemption.

Second of all, we believe the proposed regulations are technically unacceptable, and are based on an analysis prepared by Energy Solutions that is factually incorrect and includes many incorrect assumptions. The simple summary is that the major portion of the analysis has nothing whatsoever to do with office furniture lighting. It is almost entirely based on general lighting. Office furniture lighting uses different ballasts.

Thirdly, we believe that the proposed effective date timetable and the compliance confirmation would be extremely disruptive to fluorescent lamp ballast manufacturers, the under-cabinet luminaire industry and the office furniture industry.

Additionally there is one editorial error in the 15 day language that should be noted.



Editorial Error

The Commission has created an editorial error in the 15 day language, under Alternative 1. The wording providing for dimming has been changed from “except for T8 ballasts designed for dimming” in the 45 day language to “other than T8 lamps designed for dimming” in the 15 day language. The 45 language is correct. The 15 day language is incorrect. If Alternative 1 is adopted the 45 language should be restored.

This aspect of Alternative 2 is stated correctly.

Federal Preemption

There is long history between the Commission and industry regarding this issue resulting in a court ordered injunction preventing implementation of many aspects of the prior revision of Title 20. Robertson fully supports the NEMA presentation on this subject and will not belabor the point. The details of our October 29 comments are still applicable.

I will simply reiterate that T8 lamp ballasts are covered under the federal regulation. The Department of Energy proactively decided that standards were not justified.

Proposed Standards are Technically Incorrect, Based on Faulty Support Analysis

For a variety of reasons we do not believe that the specific proposed regulations are technically sound. Many of the BEF values are technically unsound. The underlying cause is that the analysis document, “Analysis of Standard Options for Under Cabinet Fluorescent Fixtures Attached to Office Equipment” contains many errors, incorrect assumptions and much technical and market information that is unsubstantiated. The details of our October 29 comments are still applicable.

One example bears mentioning. The last paragraph of Section 3.1 states that “it appears reasonable to assume that slightly more than half of under cabinet linear fluorescent fixtures are designed for two lamps”. The vast majority, probably much more than 95%, are single lamp fixtures. This is simply an example of the irrelevancy of the analysis being relied on.

Industry Disruption

The timing proposed for the effective date of this regulation, Jan 1, 2006, is unrealistic, and would present a significant burden to the industries involved.

First of all, there is no clear information regarding what method of determining compliance would be required or acceptable. The Commission is currently prohibited under federal court injunction from requiring the submission of the type of data that would be used to determine compliance.



Every ballast manufacturer, every office furniture luminaire manufacturer and every office furniture manufacturer would have to sequentially review and change, as needed, all of their product designs and manufacturing. As a practical matter, this cannot be accomplished in the time frame suggested, without unreasonable hardship. As a point of reference federal statute requires that any such regulation at the federal level cannot be made effective less than 3 years from enactment. This would be a reasonable and appropriate guideline, were this regulation to be enacted.


1605.3 (n) (4) Alternative 1 vs Alternative 2

In Alternative 2 the Commission has attempted to allow for the use of magnetic ballasts in applications where electromagnetic interference issues have been identified. This is a legitimate intent, which we support. We prefer Alternative 2 over Alternative 1. On the other hand, the proposed labeling requirements are so burdensome as to be impractical.

Conclusion

Robertson Worldwide supports the position of NEMA regarding this entire proposed regulation.

Robertson Worldwide strenuously opposes the regulation of office furniture luminaire ballasts, as proposed in Sec 1605.3 (n) (4), for all of the reasons described above.



Robert W Wisbey PE LC
December 13, 2004

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